

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS**

In re:

DWAYNE PAUL BRIDGES AND
DANA MICHELLE BRIDGES

Debtors.

KAPITUS SERVICING INC.

Plaintiff,

v.

DWAYNE PAUL BRIDGES

Defendant.

Case No. 1944181-elm

Chapter 7

Adv. Pro. No. 20-04009-elm

THIRD STIPULATION AND AGREED SCHEDULING ORDER

Due to the pending motion to dismiss, the parties hereto seek to continue the deadlines in the scheduling order in this proceeding for ninety (90) days. In connection with the foregoing, the parties hereto stipulate to and request entry of this Third Stipulation and Agreed Scheduling Order and seek to have the docket call rescheduled for a date that is on or about February 1, 2021.

The Court, having considered the contents and merits of the Third Stipulation and Agreed Scheduling Order and the parties' agreements thereto, as evidenced by their signatures below, is of the opinion that this Order should be GRANTED.

IT IS THEREFORE ORDERED that each of the dates set forth below in this Agreed Scheduling Order shall serve as the deadlines for this case:

1. **DOCKET CALL.** Docket call for trial will commence on February 1, 2021 at 1:30 p.m. (CT).
2. **INITIAL DISCLOSURES.** All parties shall exchange initial disclosures on or before November 2, 2020 pursuant to Fed. R. Bankr. P. 7026.
3. **DISCOVERY.** Discovery must be completed 30 days prior to Docket Call (December 31, 2020). Plaintiff has served discovery requests on the Defendant. Defendant without waiving any objections will provide a production of documents one month prior to the new deadline (i.e., by November 30, 2020) so Plaintiff will have two weeks to review the production and have two weeks to schedule a deposition before close of discovery. Both parties may schedule a deposition so that the deposition occurs before the close of discovery. However, if the parties happen to enter into a Fourth Stipulation and Agreed Scheduling Order, then, Defendant's response date to Discovery served by Plaintiff shall be one month prior to the new Discovery deadline date set by Fourth Stipulation and Agreed Scheduling Order.
4. **EXPERT LIST.** The names and addresses of experts must be exchanged sixty (60) days prior to Docket Call (December 3, 2020).
5. **JOINT PRETRIAL ORDER.** A Joint Pretrial Order in compliance with Local District Court Rule 16.4 shall be filed, served, and uploaded for Court entry seven (7) days prior to Docket Call (January 25, 2021). All counsel (or a *pro se* party) are responsible for preparing the Joint Pretrial Order, which shall contain the following: (a) a summary of the claims and defenses of each party; (b) a statement of stipulated facts; (c) a list of the contested issues of fact; (d) a list of contested issues of law; (e) an estimate of the length of trial; (f) a list of additional matters which would aid in the disposition of the case; and (g) the signature of each attorney (or *pro se* party).
6. **EXHIBITS AND WITNESSES.** Each exhibit shall be marked with an exhibit label. Except for impeachment documents, all exhibits, along with a list of witnesses to be called, shall be exchanged with opposing counsel (or *pro se* party) fourteen days prior to Docket Call (January 18, 2021). Each party shall also file a list of exhibits and witnesses fourteen (14) days prior to Docket Call. All exhibits not objected to in writing by Docket Call shall be admitted into evidence at trial without further proof, except for objections to relevance. Written objections to exhibits will be taken up either at the beginning or during the course of the actual trial or at any pretrial conference.

7. **WRITTEN PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW.** Written proposed findings of fact and conclusions of law shall be filed seven (7) days prior to Docket Call (January 25, 2021). Trial briefs shall be filed addressing contested issues of law seven (7) days prior to Docket Call.
8. **DISPOSITIVE MOTIONS AND EXPERT CHALLENGES.** Unless otherwise directed by the Presiding Judge, all dispositive motions must be heard no later than fourteen (14) days prior to Docket Call (January 18, 2021). Accordingly, all dispositive motions must be filed no later than forty-five (45) days prior to Docket Call (December 18, 2020), unless the Court modifies this deadline.
9. **PRE-TRIAL CONFERENCE.** A pretrial conference shall be scheduled by the parties at least seven (7) calendar days prior to Docket Call in a complex adversary proceeding if the parties anticipate that trial will exceed one day or if there are preliminary matters that should be addressed by the Court prior to the commencement of trial. The conference must be attended by counsel who is familiar with the case and is authorized to state his or her party's position, make stipulations, and enter into agreements. At the time of the pretrial conference, the parties shall submit any Joint Pre-Trial Orders to the Court and all parties must be prepared to argue any disputed matters set forth in the dispositive motions, expert challenges.

IT IS FURTHER ORDERED that except as expressly stated to the contrary herein, all the terms of the *Order Regarding Adversary Proceedings Trial Setting and Alternative Scheduling Order* [ECF No. 3] remain in full force and effect.

IT IS FURTHER ORDERED that changes to this Stipulation and Agreed Scheduling Order may only be made by further order of this Court. A motion to extend any deadline and/or alter any hearing date will only be granted for good cause shown.

AGREED AS TO FORM:

/s/ Charles M. Rubio
Charles M. Rubio
PARKINS LEE & RUBIO LLP
Pennzoil Place
700 Milam Street, Suite 1300
Houston, Texas 77002
Phone: (212) 763-3331
crubio@pakinslee.com

Counsel to Kapitus Servicing Inc.

/s/ Behrooz P. Vida
Behrooz P. Vida
THE VIDA LAW FIRM, PLLC
3000 Central Drive
Bedford, Texas 76021
Tel: (817) 358-9977
Behrooz@vidalawfirm.com

Counsel to Dwayne Paul Bridges